



Quantum settle 99 out of 100 cases by a lot of hard work, investigation, negotiation, and then settlement"

his legal practice has nothing to do with the claims handling firm. "We made it a rule to avoid any possible conflict of interest that Quantum would never instruct the Frank Lefevre Practice. We've stuck by that rigidly for three and a half years. Quantum uses the Bar a great deal, because one of the benefits that we offered the client is that where the claim had a potential value in excess of £10,000, we obtain counsel's opinion as to the value of that claim and its prospects of success at no charge to the client."

Most of Quantum's contingency cases to date have been personal injuries. Fourteen Piper Alpha claims have been dealt with, and the company is cur-

rently settling 31 Ocean Odyssey cases. Frank Lefevre has been called an "ambulance chaser." What does he say to the criticism that some cases, such as the Piper Alpha ones, are actually a foregone conclusion because clearly damages are due? "What you mean to say is that I'm making my money too easily. Yet these people still come to me, so what's the answer? That's not a conclusion for me to draw. If people realise that it may cost them a wee bit more and they still want to come to Quantum, that shows that Quantum's doing a damn good job."

He stresses that for Piper Alpha claims, Quantum took under 10% because it was such a

clear-cut case of liability. But Ocean Odyssey has been different.

Quantum had to arrange for American lawyers to sue in Louisiana and in Texas, and when nothing had happened after three years, Quantum arranged for lawyers in Scotland to sue in the Court of Session.

Can this kind of service be extended into other areas of claim, for example, in a house survey dispute? "Quantum are already involved in such cases. What I would do was to sit down with you and look at what the potential value of your claim was and what we reckon the prospects of success to be. Having looked at that amount of money, we then would have to

look at what our percentage is, because we operate on fairly fixed percentages.

"If it's flexible it'll be flexible in your favour rather than mine. We wouldn't increase it over and above what we look for.

"One would then have to see whether economically we could support your intention to proceed with that court action on the basis that if you win, we get a certain proportion and you obviously get the balance.

"If you lose, we would be underwriting your liability for legal expenses on the other side, and we would have instructed lawyers on your behalf, or perhaps the lawyers of your choice, in the first place."

So the client can't lose? "In my opinion the client can't lose, provided we're prepared to take the case on, but if you come to me and say: I want to recover this £8000, because my house has been messed up by the surveyor getting things wrong, I might find it very difficult. Suppose my fee was going to be £2000. If you lost the case, I would have to pay £2000 to your lawyer and £2000 to the other side; I'd be risking £4000 to get £2000.

"There's a commercial judgment required when it gets to the stage of litigation, not only as to the chances of success, but also as to the amount of recovery. We've supported £5000 claims and succeeded in court."

But isn't Lefevre succeeding because of the acknowledged inadequacies of the Legal Aid system?

"We take a percentage fee, but we also give you what effectively amounts to Legal Aid. We're certainly helping to fill the gap that is created by an inadequate Legal Aid system; there's no doubt about that."

Is the Quantum story an unstoppable force in Scots Law? "I believe it's inevitable, and I believe that within the Law Society of Scotland there is probably at least the undercurrent of a view that it is something that will have to be brought in."

But Professor Paterson of Strathclyde University says: "If contingency fees were to come to Scotland I would insist at a minimum that there was a statutory limit that was reasonable. But I don't think that giving a third of what you recover to the lawyer is necessarily the best way of funding litigation."

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